



UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND
101 W. LOMBARD STREET
BALTIMORE, MARYLAND 21201

Chambers of
Hon. Marvin J. Garbis
United States District Judge

December 19, 2014

ALL COUNSEL OF RECORD

Re: United States v. Wadhwa, MJG-14-0555

Dear Counsel:

I conducted a conference today with counsel in Advanced Pain v. Wadhwa, MJG-12-3579.

In the conference, counsel in that case for Defendant Vic Wadhwa, certain entities and Nikkita Wadhwa stated that they may reinstate the Emergency Motion for Relief from Stipulated Preliminary Injunction [Document 115] in that case. In essence, the motion seeks to "unfreeze" certain assets that were "frozen" by an Order [Document 15] in that case. The statement of this intent seems to present issues of possible concern in the instant criminal case.

In the instant criminal case, the plea agreement [Document 9] provides at page 6:

12. The Defendant understands that the Court will, upon acceptance of his guilty plea, enter an order of forfeiture as part of his sentence, and that the order will include assets directly traceable to his offense, substitute assets and/ or a money judgment equal to the value of the property subject to forfeiture. Specifically, as a consequence of the Defendant's plea of guilty to the Information charging a violation of 42 U.S.C. § 1320a-7b(b)(1), the Court will order the forfeiture of all proceeds traceable to the commission of the offense, pursuant to 18

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U.S.C. § 982(a)(7). The property to be forfeited includes, but is not limited to, funds included in the bank accounts and assets listed in Attachment B. The government agrees it will satisfy the order of forfeiture, so far as possible, by means of the various assets identified in Attachment B to the plea agreement.

* * * *

14. The Defendant agrees to assist fully in the forfeiture of the assets identified in Attachment B.

Attachment B to the plea agreement states, in pertinent part:

The following accounts are subject to the forfeiture provisions in paragraphs 11- 14 of this agreement. Accounts marked as "frozen" are currently frozen by Court order in connection with the pending civil litigation in Advanced Pain Management Services, LLC, et al. v. Wadhwa, et al., Case No. 1:12-cv-03579-MJG (D. Md.).

The following accounts are listed as frozen accounts. ,

Personal Bank Accounts

Bank of America (BoA) account# 3839 (checking)
BoA account# 9730 (savings)
PNC Account# 0231 (checking)
Citizens Bank Account# 9535 (checking)

Business Bank Accounts

BoA (Munich Mgmt) account# 8223 (checking)
BoA (Munich Mgmt) account #4105 (savings)

Government counsel shall, by January 9, 2015, provide the Government's position regarding:

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1. Whether Defendant Vic Wadhwa's obligation to "assist fully in the forfeiture of the assets identified in Attachment B" would be violated if he reinstates the said motion or, if other civil defendants reinstate the motion, he does not oppose the motion?
2. Whether the Government intends to take any action in regard to a potential "unfreezing" of accounts that appear to be claimed by the Government to be subject to forfeiture?

Although in letter form, this document constitutes an Order and shall be docketed as such by the Clerk.

Yours truly,

/s/
Marvin J. Garbis
United States District Judge

cc: Clerk, Counsel in MJG-12-3579